

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOHN E. KESTLER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-1366 (RDA/IDD)
)	
ALAN COOK, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court upon the Report and Recommendation (“Recommendation”) issued by Magistrate Judge Ivan D. Davis on September 13, 2021. Dkt. 16. In this case seeking enforcement of a Department of Labor Final Order, Judge Davis recommends that the Court grant Plaintiff’s Motion for Default Judgment (Dkt. 11) in the amount of \$122,907.25, which includes \$79,118.76 in lost wages; \$5,854.79 in interest on lost wages; \$18,655.00 in compensatory damages; and \$19,278.70 in attorney’s fees.

On September 23, 2021, Plaintiff filed a response/objection to the Recommendation. Dkt. 17. Plaintiff objects insofar as the Recommendation does not reference the Plaintiff’s right to recover collection fees and costs actually incurred. Plaintiff does not take issue with Judge Davis’s decision not to include projected attorney’s fees and costs in the judgment or his recommended final judgment amount, instead asking that the judgment include language explicitly providing Plaintiff the right to seek post-judgment costs and fees should the need arise. *Id.*

Pursuant to Federal Rule of Civil Procedure 72, the deadline to object to the Recommendation was September 27, 2021. To date, no defendant has filed an objection.


After reviewing the record and conducting a de novo review of Judge Davis's Recommendation, the Court hereby APPROVES and ADOPTS the Recommendation. Dkt. 16. Accordingly, Plaintiffs' Motion for Default Judgment (Dkt. 11) is GRANTED. It is hereby

ORDERED that default judgment be entered in favor of Plaintiff John E. Kestler against Defendants Alan Cook, Metropolitan Aviation, and Metropolitan Jets, jointly and severally, in the amount of \$122,907.25. This Order is entered without prejudice to Plaintiff's ability to recover post-judgment interest and reasonable attorney's fees and costs incurred in connection with such collection efforts on an appropriate motion in this Court or any other court where enforcement is proper.

The Clerk is directed to enter judgment in this matter pursuant to Federal Rule of Civil Procedure 55, forward copies of this Order to counsel of record, and close this civil action.

It is SO ORDERED.

Alexandria, Virginia
September 29, 2021

/s/ 

Rossie D. Alston, Jr.
United States District Judge